

Remarks

Claims 51-89 are pending, and are set forth below. Claims 1-50 were previously cancelled. Claims 51 and 77 are amended. The remaining claims are unchanged.

In the Office Action, claims 52-56, 65-69 and 78-82 were objected to as missing the word “wherein.”

In the Office Action, the following claim rejections were made:

1) Claims 51-63 and 77-89 were rejected under 35 U.S.C. §112, second paragraph, as indefinite.

2) Claims 51-89 were rejected under 35 U.S.C. §103(a) as obvious in view of Ginsburg et al. (U.S. Patent No. 6,595,856) and Nguyen (U.S. Patent Publication No. 2002/0071557).

Claim Objection

Claims 52-56, 65-69 and 78-82 were objected to as missing the word “wherein” after the comma. Applicant respectfully disagrees. Insertion of “wherein” in the claims as suggested would render the claims grammatically incorrect. For instance, amending claim 52 in this manner would result in the phrase, “*wherein* the gaming system configuration *including* a function . . .,” which is incorrect. Claim 52 as currently written is grammatically correct.

Claim Rejections - 35 U.S.C. §112

Claims 51 and 77 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 51 and 77 have been amended as indicated above to address the indefiniteness rejection. Reconsideration is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 51-89 were rejected under 35 U.S.C. §103(a) as obvious in view of Ginsburg and Nguyen.

Referring to independent claims 51, 64 and 77, the Office Action states that “Ginsburg et al. does not explicitly teach storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units; prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units.” (Office Action, page 4, lines 1-5). Applicant agrees with this assessment of Ginsburg.

To support the obviousness rejection of independent claims 51, 64 and 77, the Office Action attempts to rely upon Nguyen for the features not disclosed by Ginsburg. The Office Action cites paragraphs 16,17, and 20 as teaching the above-quoted features missing from Ginsburg. Applicant disagrees with this assessment of Nguyen.

While Nguyen discloses beneficial methods and apparatus for obtaining game licenses on gaming machines, none of the cited passages in Nguyen disclose or suggest the above-quoted features, which Ginsburg fails to disclose or suggest. For instance, no language in paragraphs 16,17 and 20 of Nguyen describes the concept of “prevent [ing] reconfiguration of the gaming system configuration without interrupting game play on the gaming units.” The cited passages of Nguyen are silent with respect to such features.

The Office Action goes on to state that “it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system and method of Ginsburg et al. with the gaming network management and licensing, as taught by Nguyen.” (Office Action, page 4, paragraph 2). Applicant respectfully disagrees, and notes that even if there were such a suggestion, Ginsburg and Nguyen, considered alone or in combination, fail to disclose all of the claimed features and, therefore, fail to support a prima facie case of obviousness.

The MPEP states that “[t]he examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.” (MPEP § 2142).

Applicant invites the Examiner to cite specific passages in the cited references that disclose or suggest all of the claimed features, particularly in independent claims 51,64 and 77. Applicant can then respond accordingly.

Because the Office Action does not explain how Nguyen and Ginsburg disclose the claimed features, the rejection under 35 U.S.C. §103(a) is simply not supported by the cited references. Without more explanation, the outstanding obviousness rejection amounts to impermissible hindsight analysis and, therefore, must be withdrawn.

Because the cited art does not support a rejection of independent claims 51, 64 and 77, as explained above, there is similarly no basis for the rejection of the dependent claims which, by virtue of their dependency, incorporate all the features of their respective independent claims.

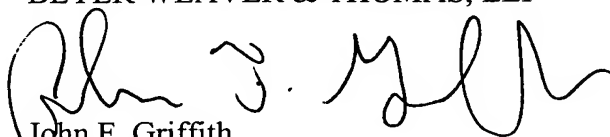
Conclusion

The claims are believed to be in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call the undersigned attorney at (510) 663-1100.

Applicant does not believe that any additional fees are required to facilitate the filing of this Amendment. However, if it is determined that such fees are due, please charge such additional fees to Deposit Account No. 500388 (Order No. IGT1P259).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



John F. Griffith
Registration No. 44,137

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100